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OFFICE OF PETITIONS

In re
Application of
Y. Hatase, et al.
Application No. 10/047,731
Filed: November 13, 2001
For: Colored Thermoplastic Resin
Compositions for Laser Welding
Anthraquinone Colorants
Therefor and Molded Product Therefrom

Response to Status Letter and Request for
Corrected Filing Receipt

This is in response to the status letter filed October 23, 2003. This is also in response to the Request for a Corrected Filing Receipt, filed October 9, 2003, which has been treated as a petition under 37 CFR 1.182.

The petition is GRANTED.

The application was identified in U.S. Patent Application Publication No. 2003/0065074. Accordingly, status information is available to the applicant, as well as to the public, pursuant to 37 CFR 1.14(a)(2). The zip code provided in the status request was different from that in the address associated with the customer number and the address given on the United States Postal Service Internet web site (<http://www.usps.com/>). Accordingly, the address specified above is the address associated with the Customer Number, and not the address specified in the Status Request.

Status Information

The application is still pending.

Status information regarding published patent applications is available on the USPTO Internet web site at: <http://pair.uspto.gov>. In addition, in the future, since the application has an Image File Wrapper, images of the papers of the patent application will also be available to the public on the USPTO web site. Furthermore, since it is the applicant who is asking for status information, it is noted that since applicant has a Customer Number associated with the correspondence address, any attorney associated with the Customer Number (such as Mr. Hamby) has access to the Image

File Wrapper through Private PAIR. For further information on Private PAIR see: <http://www.uspto.gov/ebc/> or contact the Electronic Business Center by telephone at: 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845, or by E-mail at ebc@uspto.gov.

Corrected Filing Receipt/Petition under 37 CFR 1.182

The above-identified application was deposited on November 13, 2001.

On March 13, 2002, a Notice to File Missing Parts of Application was mailed. The notice indicated that the oath or declaration was missing, and required the oath or declaration and a surcharge for its late filing. Furthermore, the Notice noted that pages 31, 33, 39 and 41 of the specification were omitted, and stated that the filing date of the application would be the date of receipt of the omitted pages, unless applicant could establish that the papers were included with the application on filing. If the applicant elected to contend that the item was in fact deposited in the Office, applicant was required to file a petition, and petition fee, with evidence of the deposit of the missing pages. Alternatively, applicant was permitted to file the missing pages and a petition under 37 CFR 1.182 requesting the date of deposit of the missing pages treated as the filing date of the application. Applicant was informed that if the petition, and petition fee were not filed within two months of the mailing date of the letter (March 13, 2002), applicant would be treated as having constructively elected that the application papers be processed as originally deposited in the Office. The Notice indicated that "THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)."

On April 26, 2002, applicant filed a "Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet" and a "Power of Attorney or Authorization of Agent". A cover letter for these papers is not included in the application file, and none of the papers have a Certificate of Mailing. At the time, papers mailed to the USPTO were often irradiated, a process which made the papers very brittle, yellowed, and, in some instances, the papers had a chemical smell.

On May 20, 2002, a "Request for Substitute Papers" was mailed. The Request indicated that the "papers filed on April 26, 2002 (certificate of mailing dated April 17, 2002) are no longer in condition to become part of the permanent records" of the Office and requested a copy of the papers to be faxed to the Office.

On Monday, June 17, 2002, applicant filed two documents titled "Response to Notice to File Missing Parts of Application-Filing Date Granted," with a petition for a one-month extension of time. The response included: a two page application data sheet, a one page declaration, four pages of power of attorney, the required surcharge, and a certificate of mailing showing that the papers were mailed on June 13, 2003, among other things. The response to the Notice also included a post card receipt showing that the Office received a specification with pages 1-42 on November 13, 2001.

On June 20, 2002, the Office received a fax, with the missing pages of the application. The cover letter for the fax is not in the Image File Wrapper.

Neither "Response" addressed the statements made in the Notice to File Missing Parts, or that applicant was expected to file a petition within two months of the notice, or the application would be treated as having been filed without the missing pages. Nevertheless, in view of the statement that applicant was submitting a duplicate copy of the application with the "Response" and in view of the post card receipt showing that 43 pages of specification were filed on November 13, 2001, the "Response" is being treated as a petition under 37 CFR 1.182, and applicant's deposit account No. 04-1928 will be charged a \$130.00 fee for the petition fee set forth in 37 CFR 1.17(h), fee code 1460, as authorized in the "Response." This fee will not be refunded because the "Response" was not filed within the non-extendable two-month period set in the Notice.

After this decision is mailed, the Office of Initial Patent Examination will be instructed to mail a corrected filing receipt, showing that the filing date of the application is November 13, 2001, as shown by the post card receipt.

Telephone inquiries related to this determination should be directed to the undersigned at (703) 306-3159.



Karin Ferriter

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner for Patent Examination Policy